

REMARKS

The present response cancels claims 18-19 without prejudice or disclaimer as to the subject matter recited therein. In addition, the specification and claims 23-24 have been amended to correct typographical errors. Claims 1-17 and 20-24 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 102 Rejection

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0143868 to Challenger et al. (hereinafter "Challenger"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Using this standard, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Challenger does not teach or suggest a cache within a server that is apportioned into first, second, and third portions, regions, or areas. Present independent claims 1, 20, 23, and 24 each recite a cache within a server that is bifurcated into three portions. At least one reason for apportioning a cache memory element within a server is to "optimize the use of the cache, while avoiding the need to accurately anticipate server page-to-command cache ratio." (Specification -- pg. 14, lines 10-12.)

Contrary to having an apportioned or segmented cache, Challenger appears to specifically require no apportionment whatsoever. In fact, the relevant paragraphs cited on page 3 of the Office Action specifically places the cache either internal to a server or external to a server (Challenger -- ¶¶ 0084-0085). If placed internal to a server, the internally configured cache of Challenger remains as a singular cache unit for storing or "caching" web content, such as web pages (Challenger -- ¶¶ 0047; 0086-0087). Nowhere is there any mention, description, teaching, or suggestion that the cache internal to a server in Challenger can be bifurcated into three portions. Moreover, a skilled artisan when reading Challenger would not be lead to disregard its teachings and somehow, hypothetically, separate a cache unit within a server into three portions or areas.

Challenger does not teach or suggest a first portion of a cache dedicated solely to storing commands, a second portion of the cache dedicated solely to storing server pages, and/or a third portion of the cache dedicated to storing both commands and/or server pages. Similar to the apportionment concept, each of the present independent claims 1, 20, 23, and 24 recite a specific purpose for the apportioned cache regions or areas. Since Challenger makes no distinction between storage of commands versus storage of server pages, it would be impossible for Challenger to suggest dedicated portions for receiving stored commands or stored server pages. Instead, Challenger only makes reference to storing web content, such as web pages within cache (Challenger – ¶¶ 0008-0010; 0047). Absent any bifurcation of a cache unit or distinctions between commands and server pages, Challenger provides no suggestion or motivation for storing commands in a first portion, server pages in a second pages, and/or both commands and/or server pages in a third portion. Thus, Challenger cannot provide the advantages set forth in the present specification, explicitly referred to in the present specification on page 26, line 21 - page 28, line 16, page 28, line 16, and illustrated in Figs. 3 and 4.

In addition to the patentability of the independent claims over Challenger, several of the dependent claims are also patentably distinct.

Challenger does not teach or suggest a hash table (claim 4), mutex mechanism (claim 7), cluster services (claim 8), or batch update (claim 11). Contrary to the assertions made on pages 3-5 of the Office Action, Challenger does not teach hash tables, mutex mechanisms, cluster services, or batch updates as defined in the present dependent claims.

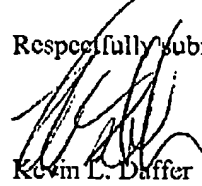
For at least the foregoing reasons, Applicants assert that the currently pending claims are not anticipated by the cited art. Accordingly, Applicants respectfully request removal of this rejection.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed April 16, 2004. In view of the remarks traversing the rejections, Applicants assert that pending claims 1-17 and 20-24 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5468-05500.

Respectfully submitted,



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